



California Fair Political Practices Commission

March 25, 1988

Robert G. Morgan
Registrar of Voters
County of Riverside
4175 Main Street
Riverside, CA 92501

Re: Your Request for Advice
Our File No. I-88-86

Dear Mr. Morgan:

You have requested advice concerning the deadline for a campaign disclosure statement which must be filed in your office pursuant to the Political Reform Act (the "Act").^{1/} This letter constitutes "informal assistance" pursuant to Regulation 18329(c) (copy enclosed).

QUESTION

Is the date on which a county initiative proponent committee is notified that the initiative petition has sufficient signatures the same as the "date of notification that a measure has qualified" for the purposes of campaign disclosure requirements?

CONCLUSION

A county initiative proponent committee is "notified" that a measure is qualified for the ballot when the proponents are informed that the petition has sufficient signatures. The committee must file a campaign disclosure statement within 35 days of such notification or within 15 days prior to the deadline for submission of the ballot arguments, whichever is earlier.

FACTS

A committee was formed to support the qualification of a county initiative measure. The committee filed petitions and was notified on February 19, 1988, of the sufficiency of the petition. No action has been taken to date by the board of supervisors on the proposal.

^{1/}Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

ANALYSIS

An initiative measure is a proposition which is submitted or is intended to be submitted to a popular vote at an election. (Section 82043.) A group of persons which receives contributions of \$1,000 or more to support or to oppose the qualification of an initiative measure has become a recipient committee. (Section 82013(a).) A recipient committee must file a statement of organization within 10 days after the committee has qualified as a committee. (Section 84101.)

Recipient committees which are formed primarily to support or to oppose the qualification of an initiative measure have special campaign disclosure requirements. (Section 84200.5(f).) If the measure has failed to qualify for the ballot, the campaign statement is due no later than 35 days after the date of the notification that the measure has failed to qualify or 35 days after the deadline for filing petitions, whichever is earlier. (Section 84200.5(f)(1).) If a measure has qualified for the ballot, the deadline for filing a campaign disclosure statement is 35 days after notification that the measure has qualified or 15 days prior to the deadline for submission of ballot arguments, whichever is earlier. (Section 84200.5(f)(2).)

A board of supervisors has three options for county initiatives which have sufficient petition signatures to have qualified for the ballot. These options are:

(1) The proposed ordinance may be adopted by the board of supervisors without change. (Elections Code Section 3709(a).)

(2) The board of supervisors may delay up to 45 days submitting the measure to a popular vote pending receipt of an impact statement. (Elections Code Section 3705.5.)

(3) The board of supervisors must submit the measure to a popular vote if the board fails to adopt the proposed ordinance. (Election Code 3709(b).)

Although a board of supervisors may cause the proposed measure to be passed without a popular vote (as in option one), or to be delayed before being submitted to a popular vote (option two), nevertheless, an initiative has qualified for the ballot once the number of signatures has been certified to be sufficient. (Elections Code Section 3707.) The county clerk is required to notify the proponents when a determination is made of the petition's sufficiency and prior to certification of the petition to the board of supervisors. (Elections Code Section 3707.)

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Therefore, we conclude that once an initiative petition is determined by the county clerk to be sufficient, the notification of sufficiency which the county clerk is required to provide to the proponents is the date of "notification" referred to in Section 84200.5(f)(2). Hence, the deadline for filing campaign disclosure statements would be 35 days after notification of the sufficiency of the petition or 15 days prior to the deadline for submitting the ballot argument in favor of the measure, whichever is earlier. (Section 84200.5(f)(2)).

If you have any questions regarding this advice, please call me at (916) 322-5665.

Sincerely,

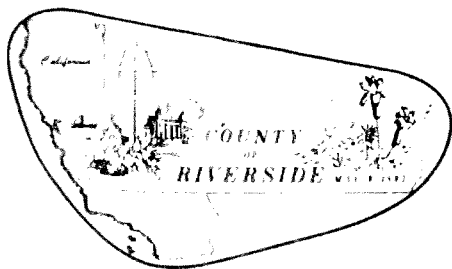
Diane M. Griffiths
General Counsel



By: Bruce W. Robeck
Political Reform Consultant

DMG:BWR:kmt

Enclosure



REGISTRAR OF VOTERS

4175 Main Street, Riverside, California 92501

(714) 787-2921

COUNTY OF RIVERSIDE

ROBERT G. MORGAN
REGISTRAR

FRANK K. JOHNSON
ASSISTANT REGISTRAR

February 24, 1988

Fair Political Practices Commission
428 J Street
Sacramento, CA 95814

Attention: Bruce Robeck, Technical Assistance

Dear Mr. Robeck:

We are requesting an answer to the following question:

What is the campaign disclosure filing deadline for a committee formed to support the qualification of a county initiative? Specifically, is the "date of notification that the measure has qualified" as used in Government Code Section 84200.5(f)(2) the same as the date on which the proponent is notified of the sufficiency of the petition (Elections Code Section 3708(d))?

The county initiative in question was filed with the Registrar of Voters on January 28. Signatures were examined, and on February 19 the proponents were notified of the sufficiency of the petition under Elections Code Section 3711. The certificate of sufficiency will be submitted to the Board of Supervisors at their meeting on March 1, at which time the Board will take one of the several options provided under Sections 3711 and 3705.5: (1) Pass the ordinance petitioned for without an election; or (2) order an election to be held on the June Primary Election date; or (3) request an impact report, to be presented no more than 45 days later, and after receipt of the report, order an election to be held on the November General Election date.

It is expected that the Board will choose the third option. In this event, and if February 19 is considered to be "the date of notification that the measure has qualified," then the filing deadline for the campaign statement will be March 25.

Please let us know as soon as possible if this is the correct conclusion.

Very truly yours,

ROBERT G. MORGAN
Registrar of Voters

By Barbara Myers, Deputy

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